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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARLES SEWARD, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

-v-

INTERNATIONAL BUSINESS
MACHINES D/B/A IBM CORP.,

Defendant.

08-CV-3976 (KMK)

ORDER


KARAS, U.S.D.J.

The Court hereby clarifies its Memorandum Endorsement of February 21, 2009 as follows:

The statute of limitations is tolled during the period of delay caused by Defendant's filing of its sur-reply, from February 16, 2009 to March 9, 2009, without prejudice to a future request by Plaintiff to toll the statute of limitations while his Motion to Proceed as a Collective Action and to Facilitate Notice Under 29 U.S.C. § 216(b) is pending before the Court.

SO ORDERED.

DATED: White Plains, New York
March 9, 2009


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE